

ORDINANCE NO. 4510
File No. Z0717-0011

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO PLANNED DEVELOPMENT – LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 16160 AND 16170 IH-635; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE AND OUTDOOR DISPLAY OF NEW AND USED VEHICLES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning from Light Commercial to Planned Development – Light Commercial with a Conditional Use Permit (“CUP”) on property located at 16160 and 16170 IH-635 to allow the sale and outdoor display of new and used vehicles subject to the following stipulations:

1. The uses permitted shall be limited to those uses permitted by right in the Light Commercial zoning district provided that a CUP may be granted to allow a motor vehicle dealership with used car sales only.
2. A CUP for the sale and outdoor display of new and used cars is hereby approved with the following conditions:
 - a. One hundred percent of the inventory displayed at 16160 IH-635 may be used cars.
 - b. Thirty percent of the inventory displayed at 16170 IH-635 may be used cars.

- c. Display of vehicles shall be limited to the number of display spaces and display areas as noted on the Concept Plan attached hereto as Exhibit "A." Display spaces and customer parking shall comply with the parking and access standards in Section 3-400 of the Mesquite Zoning Ordinance.
- d. Any vehicle for sale shall be operable and maintained in good condition.
- e. No vehicle for sale shall have body damage greater than four inches in diameter.
- f. Painted repairs shall match the paint on the rest of the vehicle.
- g. Any vehicle for sale shall not have broken or cracked windows.
- h. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
- i. Any vehicle not ready for sale and in need of repair or detailing shall be kept in the rear of the property on a paved surface or inside of a structure.
- j. This CUP shall be limited to Fenton Motors, Inc., and is not assignable or transferrable.
- k. At a minimum, 80 percent of the used car inventory displayed for sale shall be less than eight years old.
- l. The current signage on the south façade of the structure located at 16160 Interstate Highway 635 shall be removed. No more than one wall sign identifying the business is permitted on the south side of the building.

That the subject property is described as Oates Corner Retail Addition, Block A, Lots 4R, 5R-2, part of Lot 1R and part of the adjacent tract in the Theophalus Thomas Survey, Abstract No. 1461, located at 16160 and 16170 IH-635 and is more fully described in the approved field notes in Exhibit "B" attached hereto.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 4216, codified in Chapter 11 of the Code of the City of Mesquite.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

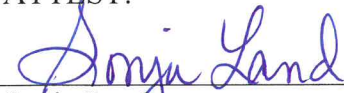
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of September, 2017.



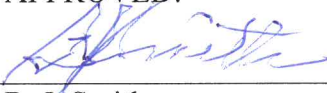
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

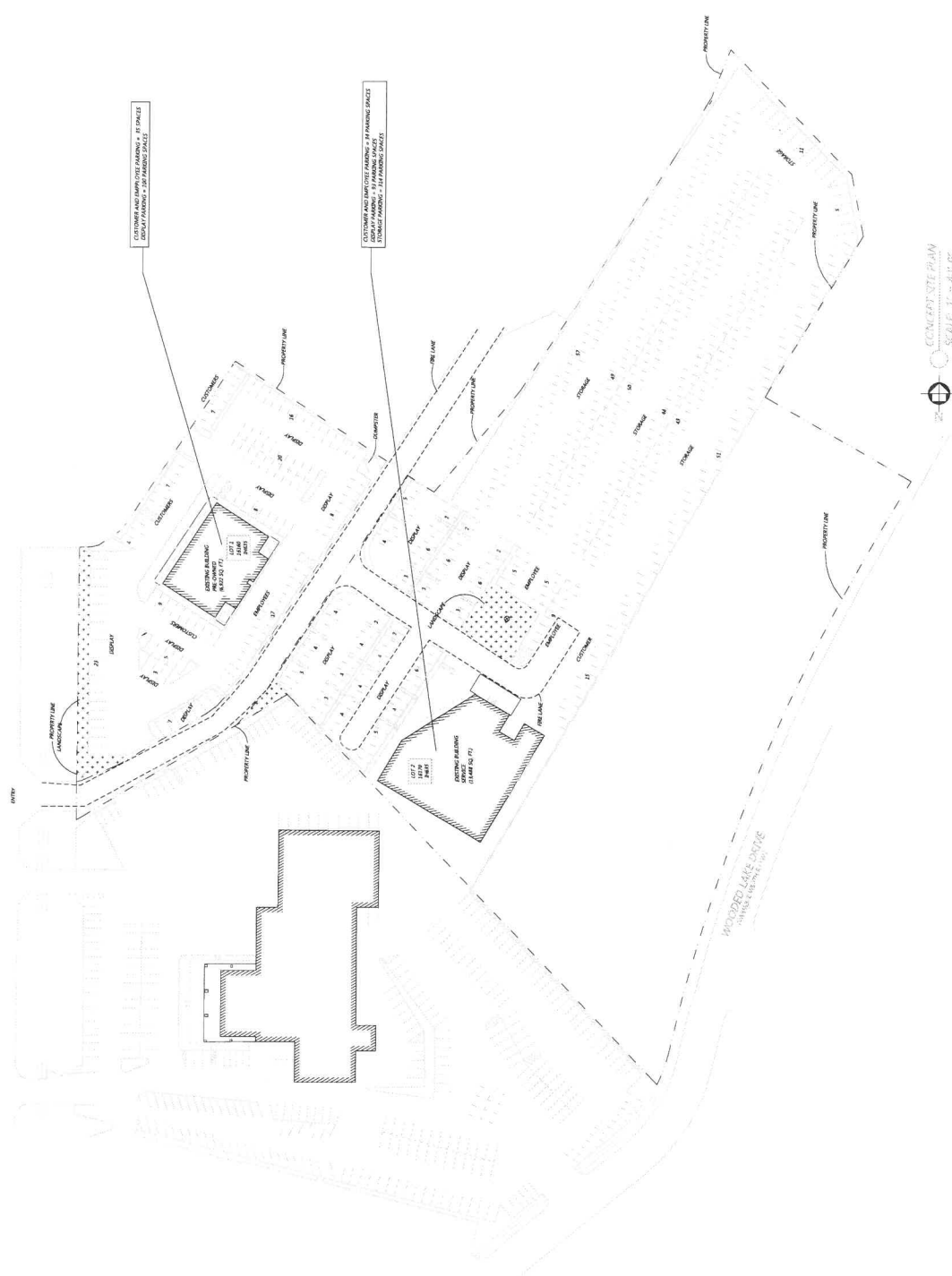
APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"

INTERSTATE HIGHWAY NO. 695



CONCEPT SITE PLAN
SCALE 1" = 400'

Westwood

Westwood Professional Services, Inc.
2740 North Dallas Parkway, Suite 280
Plano, TX 75093

Phone: (972) 793-0300
Toll Free: (800) 937-5150

Survey Firm Number: 1007A301

www.westwoodps.com

Evidence:

S/P/S/T - Next Comments _____

Prepared for:

**First Cougar
Management Co.**

201 Robert S. Kerr Ave.
Oklahoma City, OK 73102

ALTA/NSPS Land
Title Survey
Tract A 7.092 Ac.
Tract B 1.581 Ac.

in the T. Thomas Survey, Abst. No. 1461
City of Mesquite, Dallas County, Texas

16160 & 16190
LBJ Freeway,
Mesquite, Texas

Date: 05/30/17
Sheet: 2 of 2

N:\0012269.00\dwg\Survey\0012269AS.dwg

GENERAL NOTES

- [illegible]

LEGAL DESCRIPTION - TRACT 2

[illegible]

LEGAL DESCRIPTION - TRACT 3

Non-exclusive easement rights created pursuant to that Perpetual Non-Exclusive Driveway Access Easement from L&J Anclaya, Ltd. to BCB Investments, Ltd. by instrument dated 8/3/2001, filed 8/6/2001, recorded in Volume 2001/52, Page 76, and Property Records, Dallas County, Texas.

LEGAL DESCRIPTION - TRACT 4

Non-exclusive account rights created in Specialty Whippets Owned from Orlan Summit Associates, Ltd., a Texas limited partnership, to BCB Investments, Ltd., a Texas limited partnership dated 1/26/94, Reg 2/7/94 recorded in Volume 84-021, Page 5871, Real Property Records, Dallas County, Texas.

LEGAL DESCRIPTION - TRACT 1

[illegible]

North 28° 24' 24" East, a distance of 134.66 feet to a 3/8" iron rod found for corner;
North 21° 33' 52" East, a distance of 95.62 feet to a flag nail in concrete found for corner;
North 19° 13' 30" East, a distance of 93.43 feet to a 1/7" iron rod with cap stamped "Rebecca Koch" found for corner;
North 28° 44' 10" East, a distance of 32.34 feet to a 1/2" iron rod with cap stamped "Rebecca Koch" found for the northeast corner of auto shed Lot 34-2, Block A and "BAC" 12.

INCEPCE along the northern line of said Lot 39-2, Block 4 the following calls and distances: South 55° 33' 27" East, a distance of 175.13 feet to a 10" nail in top of metal fence post for corner; South 27° 41' 08" East, a distance of 63.81 feet to a 2"x8" iron nail with cap stamped "Westwood PG" set for the northern corner of said Lot 39-2.

INCEPCE South 16° 45' 24" East along the westerly line of said Lot 39-2, Block 4, a distance of 180.56 feet to an old corner in the north line of said TRACT 1; from which an "x" in concrete bears N 70° 54' 37" E, a distance of 63.81 feet to the northern corner of said Lot 39-2.

[illegible]

SURVIVORS CERTIFICATE

THE FORD INVESTMENTS INC. BANKRUPTCY, FIRST COUGH MANAGEMENT COMPANY REPUBLIC OF THE COMPANY, FIRST AMERICAN LIFE INSURANCE COMPANY as Debtor.



Dated: May 31, 2018